

VZCZCXRO3970  
RR RUEHLMC  
DE RUEHYE #0071/01 0361626  
ZNY CCCCC ZZH  
R 051626Z FEB 09  
FM AMEMBASSY YEREVAN  
TO RUEHC/SECSTATE WASHDC 8605  
INFO RUCNCIS/CIS COLLECTIVE  
RUEHLMC/MILLENNIUM CHALLENGE CORPORATION WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 04 YEREVAN 000071

SIPDIS

E.O. 12958: DECL: 01/21/2019  
TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KDEM](#) [AJ](#) [AM](#)  
SUBJECT: PARLIAMENT SPEAKER GIVES PARTY LINE ON DEMOCRATIC

REFORM, MARCH 1 PROCESS/DETAINEES, AND NAGORNO-KARABAKH

REF: YEREVAN 26

Classified By: AMB. Marie L. Yovanovitch, reasons 1.4 (b,d)

¶1. (C) SUMMARY: Ambassador accompanied EUR DAS Bryza for an introductory meeting with National Assembly Chairman Hovik Abrahamian January 20. Abrahamian affirmed President Sargsian's determination to reach a peaceful Nagorno-Karabakh (NK) settlement through the Minsk Group negotiations. He revealed more information about the agreement with PACE (reftel): the proposal is to work with COE experts to re-draft the most problematic articles of the Armenian criminal code, and this may result in charges being dropped against some March 1 defendants. He declared the parliament is determined to reveal the truth about the March 1-2 events, through the work of its ad hoc committee of inquiry and its expert fact-finding group. Abrahamian opposed granting amnesty to those arrested in connection with the March 1 events, insisting that the court processes must all play out, and only after that might the GOAM "revisit" the idea of a blanket amnesty. He made an appeal for full restoration of frozen MCC funding. Bryza provided a thumbnail update on NK talks. On democratic progress, Bryza said the most important thing is for Armenians to have trust in government and believe the authorities are just and legitimate, and that international standards be upheld; a key step would be release of political detainees. He affirmed our hope that Armenia would succeed in restoring full eligibility for MCC.  
END SUMMARY

-----  
TOUCHING BASE WITH PARLIAMENT  
-----

¶2. (C) Faced with an unexpected workday in Yerevan, after the weather-cancellation of the planned Minsk Group helicopter trip to NK, EUR DAS Bryza elected to pay an introductory courtesy call January 20 on Armenia's still-new National Assembly Chairman, Hovik Abrahamian, to build political support for an NK settlement and to renew messages on our bilateral agenda. Abrahamian graciously agreed to receive Bryza, the Ambassador and polchief (notetaker) on short notice -- not incidentally seizing the chance to enhance his own stature with a televised photo op of the meeting. Abrahamian immediately launched into a tour d'horizon monologue, outlining the governmental party line on NK negotiations, the post-March 1 domestic political developments, and Armenia's negotiations with the Parliamentary Assembly of the Council of Europe (PACE). Bryza was then able to respond and engage in a back-and-forth dialogue.

-----  
ARMENIAN SIDE COMMITTED TO PEACEFUL NK SETTLEMENT  
-----

¶3. (C) ARMENIANS DETERMINED: Abrahamian thanked Bryza for the Minsk Group's assiduous work toward NK peace. He

commented that President Sargsian is committed to achieving a negotiated settlement, and expressed confidence that Sargsian would have the skill and determination to see this through to a successful result. He said that he firmly supported the Armenian President's policy on NK negotiations. He also commented that he hoped to be able to meet his Azerbaijani counterpart to establish dialogue, perhaps in March 2009. Abrahamian said Sargsian had told him that his meetings with Azerbaijani President Aliyev in Moscow and St. Petersburg had been cordial, but then the rhetoric from Baku which followed each meeting conveyed a wholly different impression of the Azerbaijani approach. Abrahamian also urged that the people of NK should themselves be directly represented in the peace negotiations.

14. (C) GOOD BASIS FOR TRUST: Bryza updated Abrahamian on the status of talks, having just come from Baku. He acknowledged the Armenian concern that NK residents themselves should be involved with the Minsk Group negotiations (at the table at the right time), and then pointed out that in practical fact NK's leaders are already involved, as the Minsk Group co-chairs consult frequently with NK leaders. Bryza said he felt a positive and constructive mood between the two Presidents, Sargsian and Aliyev, right now, and this gave him some grounds for optimism. He said that President Aliyev seems to view President Sargsian as a trustworthy negotiating partner, in a way that was not the case with former Armenian President Kocharian, and felt that Sargsian is someone with whom he can deal. Bryza said that he had found Aliyev in a constructive and pragmatic mode during their January 19 meeting. Aliyev had urged that it is time for the two sides to exchange some serious and concrete proposals on the way forward on some key

YEREVAN 00000071 002 OF 004

remaining sticking points.

15. (C) PUBLIC RANCOR, PRIVATE PROGRESS: Bryza acknowledged that Azerbaijan's periodic outbursts of hostile rhetoric were not helpful, but noted that Aliyev has suggested privately such rhetoric should not be taken too seriously. Aliyev has made clear he is committed to reaching a framework agreement in coming months and calculates he must use such public political broadsides to manage public opinion. Bryza addressed the controversy over negotiators' statements that a settlement must proceed from Azerbaijan's territorial integrity by noting that this is a starting place for negotiations, based on international law, but that of course respect for Armenia's core concerns about self-determination were equally critical to achieving a negotiated settlement both sides can accept. He commented that preserving a certain "constructive ambiguity" is key to reaching an agreement, as this would allow each side to claim victory and to elide certain contentious issues that would remain unresolved by the interim agreement. Bryza noted President Aliyev's constructive understanding that the core concern of the Armenian side with regard to the Lachin Corridor is to provide a sense of security for Armenian residents of NK, so they will not flee.

-----  
REPAIRING ARMENIA'S DAMAGED LEGITIMACY  
-----

16. (C) LET THE FACTS COME OUT: Abrahamian asserted that Armenia is "actively working to reveal the truth behind March 1" and that Armenian authorities have nothing to fear from the full truth coming out. He noted that the parliamentary commission of inquiry and the fact-finding group of qualified staff experts were each working hard to achieve this end. He said the ruling coalition has no "hidden obligations" to protect any elements of government or society from having their role in those events disclosed. He insisted that the judicial proceedings related to the March 1 events were proceeding smoothly, and in his view, effectively, to assess guilt. Abrahamian commented that the main source of delay is

the behavior of the defendants themselves, especially in the prominent "Trial of Seven" case, in which the accused have been actively disrupting the hearing and preventing the trial from proceeding. Abrahamian said that this conduct was actually against the defendants' own interests, but that the defendants are more concerned with scoring political points against the government than in their own welfare and legal best interests. He said that "the radical opposition" is determined to exploit the situation for its own political ends.

17. (C) AGAINST AMNESTY: Abrahamian came out pre-emptively against the idea of a blanket amnesty or pardon of the March 1-related detainees/prisoners, insisting that Armenia must first allow all the proper judicial processes to take place, and only then might it be appropriate for the President to "revisit" the question of whether pardons or amnesty may be an appropriate option. The speaker did note that President Sargsian has already pardoned a number of those detainees, in cases where the defendants had confessed guilt, been convicted, and petitioned the President for pardon. Abrahamian indicated that he himself is much more disposed toward pardon in the cases of looters -- mere "opportunists" caught up in the moment -- rather than those of opposition-linked political activists, who he implied bear responsibility for the disorder. (NOTE: The opposition has said that the looters had nothing to do with protesters, and in fact were most likely "agents provocateurs" ordered by the government to burn cars and loot shops to create justification for the State of Emergency which followed. As evidence for this interpretation the opposition points out 1) the indisputable fact that the looting and car-burnings happened some distance (perhaps as much as a half-mile) from the spot where the opposition protesters were massed, and 2) video footage which seems to show that a large contingent of police officers was mysteriously withdrawn from the area, and only minutes later a fairly small group of peculiarly dispassionate-seeming young toughs started methodically overturning and burning cars and breaking into shops. END NOTE)

18. (C) THE PACE DEAL: Abrahamian provided more information about the compromise (reftel) reached between the GOAM and PACE rapporteurs John Prescott and Georges Colombier to avert PACE sanctions on Armenia during the January PACE session. Abrahamian said that the PACE rapporteurs had been critical of Armenia's criminal code articles 225 ("organizing mass disorders") and 300 ("usurpation of state power"). arguing that the articles are in violation of European legal standards. (NOTE: Those two articles form the major thrust

YEREVAN 00000071 003 OF 004

of the case against the "Trial of Seven" defendants, and both articles are so vaguely worded as to make it nearly impossible for an outside observer to discern the legal elements that must be proved to constitute a crime. The "Trial of Seven" defendants are each charged specifically under 225.3, and aggravated version denoting "organizing mass disorders accompanied by murder." Prescott was scathing in his debriefing to the diplomatic corps (reftel) that prosecutors seem to have no evidence to support these charges beyond a mere government assertion of the defendants' intentions. END NOTE)

19. (C) A BACK-DOOR AMNESTY THROUGH EX POST FACTO LAW-MAKING: The deal which the GOAM proposed to the rapporteurs, according to Abrahamian and consistent with Prescott and Colombier's words, is that Armenian legal experts would in short order re-draft the two troublesome criminal code articles, working closely with Council of Europe legal experts, presumably the Venice Commission. The Armenian parliament would then enact the revised articles into law, and then the Prosecutor General (PG) would have to "review" whether the March 1 defendants actions and the available evidence were consistent with the newly-revised criminal code articles. If not, the PG would withdraw the criminal charges

against those individuals whose actions did not fit the criteria provided in the revised criminal code. Abrahamian offered a pro forma protestation that of course the PG is independent of the executive and legislative branches, and would not take direction from either, but indicated that in light of the revised law, the PG would have no real choice but to review the cases in light of the updated criminal code. Abrahamian said that he was waiting to hear back from PACE about whether this compromise agreement tentatively reached with the rapporteurs would be accepted by the Assembly.

10 (C) NO STABILITY WITHOUT DEMOCRATIC LEGITIMACY: Bryza responded that the U.S. remains deeply interested in Armenia's political situation and the judicial processes related to March 1. He said that it was not for the USG to dictate specific terms to Armenia for how to manage its political and legal arrangements, but we supported the rule of law and the need to recover from the political problems of 2008. He noted that there is "no real political stability without democratic legitimacy and justice." He affirmed that whatever solution Armenia reaches must ultimately be judged as fair and credible by the Armenian people themselves. Bryza said that it would not be right for the United States to argue that those who have actually committed acts of violence be set free (including looters), but he urged the government to explore political solutions to free non-violent political activists. Bryza complimented Abrahamian on the work of the March 1 parliamentary commission and the fact-finding group.

-----  
BRING BACK FULL MCC FUNDING  
-----

11. (C) PARTING SHOT: Abrahamian closed with a plea that the incoming U.S. Administration should promptly and fully restart the roads package funding which has been delayed for almost a year. Abrahamian said as deputy prime minister he had worked closely with Armenia's regional governors and mayors in planning the MCC roads projects and those local communities were now counting on those projects to be completed. He suggested it would be a black eye to the United States' reputation in Armenia to back out of those roads commitments, and bad for the bilateral relationship. If MCC does not complete them, then the GOAM will do so, "but it will take eight years, not four years" and would also affect the "political context" of the U.S.-Armenia relationship. Bryza said that no one wants to see those programs restored to normal functioning more than he, and he hoped that Armenia would elevate its performance on the critical MCC indicators sufficiently to enable that to happen. He reminded that the MCC program was intended to signal a strong U.S. partnership with a country that was on the right track and doing its part to meet the eligibility criteria, and that conditionality was explicitly built into the Compact that the U.S. and Armenia signed. Bryza reiterated U.S. concern that Armenia's reform process has lagged, but expressed confidence that with President Sargsian's and Speaker Abrahamian's leadership, things could be put back on track. It all depends on Armenian performance, he said.

-----  
COMMENT  
-----

YEREVAN 00000071 004 OF 004

12. (C) This conversation offered a useful opportunity for DAS Bryza to deliver his messages to another avenue of political influence, and to help lay the political foundation for agreement on the Minsk Group's Basic Principles on NK. Abrahamian's comments, however, rehashed all the familiar Armenian lines of argumentation, and gave little grounds for hope Abrahamian is a voice for positive reform momentum.

This is consistent, of course, with Abrahamian's long-standing reputation as an unreconstructed party-machine politician, unreservedly bending both the ruling party and government machinery to serve the political desires of the powers-that-be.

¶13. (C) It was interesting to learn, however, that the GOAM appears to be exploiting the PACE pressure to create a face-saving outlet regarding its political prisoner problem: without admitting any mistake or fundamentally changing the GOAM narrative of March 1 events, the GOAM seems poised to define some of the defendants' crimes out of existence. They will thus be able to package the partial undoing of their repressions as going the extra mile to uphold European norms. However they do it getting past the political prisoner problem will be a welcome development.

¶14. (U) This cable has been cleared by DAS Bryza.  
YOVANOVITCH